

# SHIRE OF KOJONUP



## Council Minutes

*18<sup>th</sup> July 2006*

SHIRE OF KOJONUP

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**SHIRE OF KOJONUP**

**MEETING NOTICE AND AGENDA – 18 JULY 2006**

**MINUTES**

**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

*The President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.*

The President read the following statement:

*Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

**2. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jill Mathwin Shire President

Cr Jane Trethowan Deputy Shire President

Cr John Benn

Cr Pat Bunny

Cr Will Carrington-Jones

Cr Ernie Graham

Cr Rosie Hewson

Cr Greg Marsh

Cr Frank Pritchard

Cr Geoff Thorn

Mr Stephen Gash Chief Executive Officer

Ms Melissa Wilson Environmental Development Manager

Mr John Crothers Acting Finance Manager

Mrs Heather Marland Senior Finance Officer

Mrs Rosemary Cussons Personal Assistant

APOLOGIES

Mrs Cindy North Community Services Officer

OBSERVER

Mr Kim Dolzadelli, the newly appointed Manager of Corporate Services.

3. **PUBLIC QUESTION TIME**

Nil

4. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

6. **CONFIRMATION OF MINUTES**

ORDINARY MEETING 20<sup>th</sup> June 2006

Corrections: a) Typographical error in Council Decision 78/06 replacing the wording Ordinary Meeting to Special Meeting.

b) Typographical error in Council Decision 86/06 replacing the wording Well Women's Council to Well Women's Clinic.

**COUNCIL DECISION**

**90/06 MOVED Cr Pritchard that the corrected Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> June 2006 be confirmed as a true record.**

**CARRIED 10/0**

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

- a. Mr Kim Dolzadelli, the newly appointed Manager of Corporate Services, was welcomed to the Shire of Kojonup.
- b. Mr John Crothers, Acting Finance Manager, was thanked by the President for his dedicated contribution in preparing the 2006/2007 Budget.
- c. An Australian Citizenship Ceremony was held Wednesday 12<sup>th</sup> July for Mrs Susan Cane.

1. **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

2. **DECLARATIONS OF INTEREST**

Nil

*3.07pm Mr John Crothers and Mr Kim Dolzadelli left the Chambers*

-

3. **FINANCE REPORTS**

10.1.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: John Crothers – Acting Financial Manager

DATE: 14 July 2006

FILE NO 06.15.01:

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

A formal Budget Review was carried out at the half year, and adopted by Council on 31 January 2006. A subsequent review was submitted to a special meeting of Council which was held on 2 June 2006.. The new budget for the 2006/07 year is included separately for this meeting.

**BACKGROUND**

The new reporting requirements came into force from 1<sup>st</sup> July 2005. The reports attached comply with the new Financial Management Regulations.

**COMMENTS**

As virtually all of the relevant information is already included in the draft budget document, then the normal attachments, excluding Rates, are not provided on this occasion.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. These reports submitted exceed those basic requirements.

## **POLICY IMPLICATIONS**

None applicable.

## **FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer reports, but those proposed variations will be taken into account in the monthly Financial Activities report.

## **STRATEGIC IMPLICATIONS**

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur.

## **VOTING REQUIREMENTS - SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

That the report be noted

## **COUNCIL DECISION**

**91/06 MOVED** Cr Thorn that the report be noted

**CARRIED 10/0**

## 10.1.2 MONTHLY PAYMENTS LISTING

**AUTHOR:** Senior Finance Officer – Heather Marland

**DATE:** 13<sup>th</sup> July 2006

**FILE NO:** 06.15.01

**ATTACHMENT:** Payment Listings

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

To receive a list of payments made since the last similar list was received.

## **BACKGROUND**

Not applicable.

## **COMMENT**

The attached list of payments is submitted for receipt by the Council.

## **CONSULTATION**

No consultation was required.

## **STATUTORY ENVIRONMENT**

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be "presented" whenever payments have been made under a delegated authority. (Reference Delegation #18).

## **POLICY IMPLICATIONS**

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

## **FINANCIAL IMPLICATIONS**

All payments made are for items where Council has provided a budget authority.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications involved with presentation of the list of payments.

## **VOTING REQUIREMENTS – Simple Majority**

## **OFFICER RECOMMENDATION**

That the Payment Listing from 24/01/06 to 16/02/06 comprising of Municipal Cheques 8371 to 8470, EFTs 1583 to 1716 and Internal Payment Vouchers 587 to 622 totalling \$761,724.14 and as attached to this agenda, be received.

*Correction as passed at the Council Meeting 15<sup>th</sup> August 2006:*

*Item 10.1.2 Monthly Payment Listing Council Decision – change the dates 24/01/06 to 16/02/06 to 15/06/06 to 12/07/06.*

## **COUNCIL DECISION**

**92 /06 MOVED Cr Marsh that the Payment Listing from 24/01/06 to 16/02/06 comprising of Municipal Cheques 8371 to 8470, EFTs 1583 to 1716 and Internal Payment Vouchers 587 to 622 totalling \$761,724.14 and as attached to this agenda, be received.**

**CARRIED 10/0**

10.1.3 ACCOUNTING WORK – INTERIM AUDIT

**AUTHOR:** John Crothers

**DATE:** 12 July 2006

**FILE NO:** 06.04.01

**ATTACHMENT:** Interim Audit Management Letter

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

Council's Auditors recently completed the Interim Audit, and a copy of their report is an attachment to this report. There are no areas of major concern and, in comparison to audit reports of previous years, the latest audit report merely mentions a few minor operational issues.

## **BACKGROUND**

Auditors carry out 2 audits per year, the first, Interim Audit, being part of the way during a year. The final audit is completed following the closure of the financial year, when the accounts have been closed off and completed.

## **COMMENT**

The report on the results of the Interim Audit for the 2005/06 year raises the matters of reconciliation of particular subsidiary items to the main ledger control accounts. There were a couple of months where the subsidiary ledgers were out of balance to their Balance Sheet control accounts. We have been aware of these, and subsequent adjustments were made to bring these back into balance. Some of the 'out of balance' situations have occurred due to computer program issues and the way items have been processed, and therefore delays in corrections have occurred due to our waiting on the software company to identify the best form of solution, or them writing a 'patch' to correct the software anomaly.

There were no large 'out of balance' amounts, and we have been aware of the situations when identified, and actions were subsequently initiated to correct such matters.

The Auditor has pointed out that as at the end of May 2006 all of the items that they identified had been reconciled to their respective general ledger accounts.

The Auditor also mentioned that there were 4 outstanding cheques older than 3 months, and these have now been attended to, and replacement cheques issued as needed.

## **CONSULTATION**

No consultation is required, however a copy of this report has been sent to all members of Council's Audit Committee.

## **STATUTORY ENVIRONMENT**

There are no specific statutory requirements relating to Interim Audits.

## **POLICY IMPLICATIONS**

There are no known policy implications by the adoption of this report. Council has previously adopted a policy that all of these types of reports and letters are to be reported to Council.

## **FINANCIAL IMPLICATIONS**

There are no financial implications emanating from this report.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications resulting from this report.



## **OFFICER RECOMMENDATION**

That the Interim Audit Report be received and noted.

## **COUNCIL DECISION**

**93/06 MOVED Cr Thorn that the Interim Audit Report be received and noted.**

**CARRIED 10/0**

## 10.1.4 SIGNIFICANT ACCOUNTING POLICIES – VARIATIONS & ADDITIONS

**AUTHOR:** John Crothers

**DATE:** 12 July 2006

**FILE NO:** 06.02.01 & 01.09.14

**ATTACHMENT:** Significant Accounting Policies

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

New Australian International Financial Reporting Standards [AIFRSs] have been introduced, with certain items to apply from 1<sup>st</sup> July 2005. For such items, the comparative figures that are to be used for the 2004/05 year also need to be varied, so as to reflect the appropriate level of comparison.

The latest information has now been assessed, and new proposals are herein placed before Council for consideration and adoption.

It is proposed that these apply for the preparation of the Annual Financial Report for the 2005/06 year, including the comparative figures for the prior year, as well as for the Budget and the Annual Financial Report for the 2006/07 year.

There is no overall material effect to Council's Balance Sheet or Income [Operating] Statement by the adoption of these new policies, but it is important that Council has the correct policies in place, and actions in preparing various financial data conforms with the AIFRSs, any unique Australian Accounting Standards [which Councils must also comply with] and any other statutory reporting requirements placed on Councils.

In addition to the AIFRSs, there could be a number of major changes required by the Federal Government. The most prominent of these would involve the recognition of the Springhaven Lodge Bonds as "Current Liabilities". However, it is proposed that Council attempt to be allowed a period of transition, and it is recommended that Council not apply the new requirements until 30 June 2007, wherever possible.

## **BACKGROUND**

Significant Accounting Policies are necessary so as to set out the methodology and parameters used in drawing up a Council's accounts.

## **COMMENT**

Attachment 1 to this report proposes new Significant Accounting Policies, which comply with the new AIFRSs.

As stated in the summary, there are no material effects of adoption of these new policies overall.

#### **CONSULTATION**

None necessary.

#### **STATUTORY ENVIRONMENT**

Full compliance with the new AIFRSs is now a requirement.

#### **POLICY IMPLICATIONS**

The policy implications are merely the way certain items are reported in the future.

#### **FINANCIAL IMPLICATIONS**

There are no material financial implications, but merely the way certain items are calculated, compiled, and reported in the future.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications emanating from the adoption of these new Significant Accounting Policies.

#### **OFFICER RECOMMENDATION**

That the proposed new Significant Accounting Policies, as separately listed to this report, be adopted for the 2005/06 and 2006/07 years.

#### **COUNCIL DECISION**

**94/06 MOVED Cr Bunny that the proposed new Significant Accounting Policies,  
as separately listed to this report, be adopted for the 2005/06 and 2006/07 years.**

**CARRIED 10/0**

#### **10.1.5 DEBTORS - PROPOSED WRITE-OFFS**

**AUTHOR:** John Crothers

**DATE:** 12 July 2006

**FILE NO:** 06.11.01

**ATTACHMENT:** Nil

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

Scrutiny has been made on Balance Sheet items where areas of doubt have existed on various figures being brought forward from prior years.

There are 2 large debtor amounts which now need to be written off, as it is apparent that these will not be recoverable. These 2 debts total \$27,727.95 and details are included in the Comment section below.

Fortunately a number of items have also been identified which can now be treated as revenue, which virtually offsets these write off amounts. To 'Balance the Bottom Line' position it has been necessary to increase the transfer from the Employees Leave Reserve. The amount of the transfer will still be below that which was paid out in the 2005/06 year.

## **BACKGROUND**

There have been a number of doubtful items contained within Council's Balance Sheet from prior years, and we have been working for the past 6 months on trying to resolve how these will be treated.

## **COMMENT**

Efforts have continued to identify all doubtful items contained within Council's Balance Sheet, in an endeavour to finalise these in the 2005/06 financial year.

The area of Debtors has been scrutinised over the past 6 months, and correspondence sent to all older debtors. Discussions have also been held on those items which have been of most concern. There are two large amounts which should be written off, as payments will not be forthcoming, and these are as follows:

Insurance amount - \$19,587.95 - This is part of the costs associated with the legal expenses incurred relating to Council's previous Chief Executive Officer. Amounts had been raised as owing from when legal advice was sought in early 2004, but the date of claim defined by the Insurance Company is in the 2<sup>nd</sup> half of 2004. Therefore debtor entries for the earlier advices will not apply.

Railway Grant [for Shed and Track works]- \$8,140 - While the works were completed, they were not done in proper compliance with the grant conditions, and therefore Council will not be able to correctly acquit the grant, and therefore the amount listed as owing of \$8,140.00 will not be paid to Council.

## **CONSULTATION**

None necessary.

## **STATUTORY ENVIRONMENT**

A Council resolution is necessary to write off these two debts.

## **POLICY IMPLICATIONS**

There are no known policy implications.

## **FINANCIAL IMPLICATIONS**

The writing off of these two debts will add some \$27,727.95 to Council's expenses for the 2005/06 year, but, fortunately, investigations have revealed a number of off-setting items, which help to negate the effect of this action. Further, clearing of these debts will help Council to move forward into the 2006/07 year with virtually all old financial problems solved, or with specific action plans in place to address the remaining issues.

The writing off of these two debts has now been allowed for in Council's Financial Records for the 2005/06 year.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications from the adoption of this recommendation.

## **OFFICER RECOMMENDATION**

That the following debts be written off:

Reduce the debt owed from the Insurance Company by \$19,587.95 for legal expenses previously raised as owing to Council relating to costs associated with the dismissal of the previous CEO;

Write off the debt owed from the Department of Local Government of \$8,140.00 as the Council is unable to complete the acquittal in the form required, and therefore the amount will no be paid to Council.

## **COUNCIL DECISION**

**95/06 MOVED Cr Marsh that the following debts be written off:**

**Reduce the debt owed from the Insurance Company by \$19,587.95 for legal expenses previously raised as owing to Council relating to costs associated with the dismissal of the previous CEO;**

**Write off the debt owed from the Department of Local Government of \$8,140.00 as the Council is unable to complete the acquittal in the form required, and therefore the amount will no be paid to Council.**

**CARRIED 10/0**

## 10.1.6 PLAN FOR THE FUTURE ADOPTION

**AUTHOR:** John Crothers

**DATE:** 13<sup>th</sup> July 2006

**FILE NO:** 06.15.01

**ATTACHMENT:** Plan for the Future document

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

A new statutory requirement has been brought into effect, which states that a Council must adopt a Plan for the Future, with the first of these to be considered before a Council's budget for the 2006/07 year.

A brief draft Plan was drawn up, and placed before Council on 2 June 2006. A "Community Consultation" meeting was on the afternoon of 16<sup>th</sup> June 2006 to discuss the matters contained within the plan. The only attendees were Councillors. A letter was received, requesting Council to continue the 'Smart Start' program into future years.

Some minor alterations have now been made to the plan, in line with the identified available funds for the 2006/07 year.

There are not a great deal of new items being proposed for the next 2 years, which is the relevant statutory period that the plan needs to be adopted for. It should be borne in mind that the Plan adoption is not binding, but is merely a guide of the major items under considerations for the next 2 years.

It is recommended that Council now adopt the revised plan, which is included as a separate support document to this report.

## **BACKGROUND**

Previously Councils were required to adopt a Principal Activities Plan. This has now been superseded by the requirement to prepare a Plan for the Future.

## **COMMENT**

Discussions have been held over the past 5 months of items for possible adoption over the next 2-3 years.

Items included are as per those raised at prior forum discussions.

## **CONSULTATION**

A Public Meeting was advertised and held on the afternoon of 16<sup>th</sup> June 2006, and written public submissions closed at 12 noon on 19<sup>th</sup> June 2006. No members of the public attended the meeting and one letter was received.

## **STATUTORY ENVIRONMENT**

It is now a statutory requirement for every Council in WA to adopt a Plan for the Future before it adopts its budget for the 2006/07 year.

The new requirements also involve Councils carrying out public consultation on the proposals drawn up.

## **POLICY IMPLICATIONS**

There are no known policy implications.

## **FINANCIAL IMPLICATIONS**

Figures contained in any such Plan should be a guide for the items to be included in the Council's forthcoming annual budget.

There are no fixed implications, however Council will need to have regard to its adopted Plan for the Future before it adopts its budget for the 2006/07 year.

## **STRATEGIC IMPLICATIONS**

There are no specific implications seen as being applicable for the 2006/07 year.

## **OFFICER RECOMMENDATION**

That Council adopt the proposed draft as being a Plan with items under consideration for adoption over the next 2 years

## **COUNCIL DECISION**

**96/06 MOVED Cr Carrington-Jones that Council adopt the proposed draft as being a Plan with items under consideration for adoption over the next 2 years**

**CARRIED 10/0**

## 10.1.7 2006/2007 COUNCIL BUDGET

AUTHOR: A/Financer Manager – Mr John Crothers

DATE: 13 July 2006

FILE NO: 01.09.14

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To consider and adopt Council's 2006/2007 Budget and to set the rates, minimums, discounts and fees and charges.

### **BACKGROUND**

The Local Government Act, 1995, requires each Local Government to prepare a budget for its municipal fund for each financial year. The form, manner and content of the budget are prescribed in the Act and the Financial Management Regulations.

Council must adopt its budget by an Absolute Majority no later than 31 August in the budget year unless the Minister for Local Government has granted an extension.

### **COMMENT**

Council met previously on the 20<sup>th</sup> June 2006, and 6<sup>th</sup> July 2006 in workshop forums to consider the proposed Budget issues, with a schedule of variations resulting from those discussions now included in the formal budget proposal.

Action has been taken to provide a greater level of dissection and information, so as to assist a greater understanding of the various expenses and revenues projected for the year.

The proposed Budget is attached for consideration and final adoption.

### **CONSULTATION**

Staff have worked with Council during two budget workshops to assess the priorities of proposed capital works and abnormal expenses via the priority setting system, and the rates and charges issues.

### **STATUTORY ENVIRONMENT**

Section 6.2 Local Government Act 1995

Regulations 22-33 Local Government (Financial Management Regulations) 1996

### **POLICY IMPLICATIONS**

Applicable policies have been considered in the preparation of the Budget.

### **FINANCIAL IMPLICATIONS**

The Budget provides the benchmark for comparison of actual results and is the basis of all financial decisions made by Council and Officers during the budget year.

## **STRATEGIC IMPLICATIONS**

The Budget is the key annual financial document that sets down financial guidelines for achieving Council objectives.

## **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**

(Except where otherwise indicated)

## **OFFICER RECOMMENDATION**

1 That the proposed budget (as amended, by Council where deemed appropriate) be adopted for the 2006/2007 year and the levels of income and expenditures be authorised.

2 That the following rate levels be adopted for the 2006/2007 year;

2.1 For all rateable properties where Gross Rental Valuations are applied, within the township of Kojonup, a rate of 15.3565 cents in the dollar with a Minimum Rate of \$490 to apply.

2.2 For all rateable properties where Gross Rental Valuations are applied, outside the township of Kojonup, a Minimum Rate of \$490 to apply.

2.3.1 For all rateable properties where Unimproved Valuations are applied, a rate of 1.4019 cents in the dollar with a Minimum Rate of \$490 to apply.

3 That where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding Rates and Service Charges is set at eleven (11%) per centum per annum, to be calculated on a daily basis.

4 That for those ratepayers paying by instalments, the penalty interest to apply is set at five point five (5.5%) per centum per annum, to be calculated on a daily basis.

5 That for those ratepayers not paying by instalments, the penalty interest will commence to be calculated 60 days after the rates notice issue date.

6 That for those ratepayers who pay all their rates and charges and arrears by the due date, being 14 days after the date of rate issue notice then they be offered a discount of 2.5% on the amount of their rates for the 2006/2007 year.

7 That the following Rates Instalment payment Options be adopted:

Option 1 To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the rate notice issue. The estimated date of rate notice issue is 26<sup>th</sup> July 2006 and the expiry of the 35<sup>th</sup> day is expected to be 29<sup>th</sup> August 2006.

Option 2 Payments to be made by two (2) instalments as will be detailed on the Rates Notices with the following anticipated dates:

First Instalment 29<sup>th</sup> August 2006

Second Instalment 5<sup>th</sup> January 2006

Option 3 Payments to be made by four (4) instalments, as will be detailed on the Rate Notices with the following anticipated dates:

First Instalment 29<sup>th</sup> August 2006

Second Instalment 30<sup>th</sup> October 2006

Third Instalment 5<sup>th</sup> January 2007

Fourth Instalment 6<sup>th</sup> March 2007

8 That where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply, and Interest on instalments shall be 5.5% which is half that of the penalty interest charge.

9 That the following Rubbish/Sanitation charges be imposed for the 2005/2006 year:-

For 240 litre bin collection a charge of \$240 per premises per annum.

10 That the transfers/movements to and from Reserve Accounts as detailed in Section 7.6 of the budget document and in accordance with Council's adopted policies, be authorised.

11 That the Fees and Charges as listed in Section 8 of the budget document, be imposed for the 2006/2007 year.

12 That other works cannot be adopted at this junction, due to a lack of finance to fund such works.

## **COUNCIL DECISION**

### **97/06 MOVED Cr Thorn**

**1 That the proposed budget (as amended, by Council where deemed appropriate) be adopted for the 2006/2007 year and the levels of income and expenditures be authorised.**

**2 That the following rate levels be adopted for the 2006/2007 year;**

**2.1 For all rateable properties where Gross Rental Valuations are applied, within the township of Kojonup, a rate of 15.3565 cents in the dollar with a Minimum Rate of \$490 to apply.**

**2.2 For all rateable properties where Gross Rental Valuations are applied, outside the township of Kojonup, a Minimum Rate of \$490 to apply.**

**2.3.1 For all rateable properties where Unimproved Valuations are applied, a rate of 1.4019 cents in the dollar with a Minimum Rate of \$490 to apply.**

**3 That where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding Rates and Service Charges is set at eleven (11%) per centum per annum, to be calculated on a daily basis.**

**4 That for those ratepayers paying by instalments, the penalty interest to apply is set at five point five (5.5%) per centum per annum, to be calculated on a daily basis.**

**5 That for those ratepayers not paying by instalments, the penalty interest will commence to be calculated 60 days after the rates notice issue date.**

**6 That for those ratepayers who pay all their rates and charges and arrears by the due date, being 14 days after the date of rate issue notice then they be offered a discount of 2.5% on the amount of their rates for the 2006/2007 year.**

**7 That the following Rates Instalment payment Options be adopted:**

**Option 1 To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the rate notice issue. The estimated date of rate notice issue is 26<sup>th</sup> July 2006 and the expiry of the 35<sup>th</sup> day is expected to be 29<sup>th</sup> August 2006.**

**Option 2 Payments to be made by two (2) instalments as will be detailed on the Rates Notices with the**



**following anticipated dates:**

**First Instalment 29<sup>th</sup> August 2006**

**Second Instalment 5<sup>th</sup> January 2006**

**Option 3 Payments to be made by four (4) instalments, as will be detailed on the Rate Notices with the following anticipated dates:**

**First Instalment 29<sup>th</sup> August 2006**

**Second Instalment 30<sup>th</sup> October 2006**

**Third Instalment 5<sup>th</sup> January 2007**

**Fourth Instalment 6<sup>th</sup> March 2007**

**8 That where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply, and Interest on instalments shall be 5.5% which is half that of the penalty interest charge.**

**9 That the following Rubbish/Sanitation charges be imposed for the 2006/2007 year:**

**For 240 litre bin collection a charge of \$240 per premises per annum.**

**10 That the transfers/movements to and from Reserve Accounts as detailed in Section 7.6 of the budget document and in accordance with Council's adopted policies, be authorised.**

**11 That the Fees and Charges as listed in Section 8 of the budget document, be imposed for the 2006/2007 year.**

**12 That other works cannot be adopted at this junction, due to a lack of finance to fund such works.**

**CARRIED 10/0**

*REASON FOR CHANGE: The typographical error 2005/2006 in Point 9 of the Officer's Recommendation of to be replaced with the correct year of 2006/2007.*

*3.30pm Mrs Heather Marland left the Chambers*

#### **4. ENGINEERING & WORKS REPORTS**

Nil

#### **5. ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

12.1 PLANNING APPLICATION – AQUACULTURE 5127 POLLARD ROAD

**AUTHOR:** Melissa Wilson

**DATE:** 30<sup>th</sup> June 2006

**FILE NO:** 14.05.01

**ATTACHMENT:** Location Map

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

To consider the application for planning consent made by Mr Cyril Corentin to breed marron on the property known as Location 5127 Pollard Road in Kojonup.

## **BACKGROUND**

Mr Corentin has made an application to the Department of Fisheries for a licence to breed marron at his property, location 5127 Pollard Road, Kojonup (see attached location map). Subsequently Mr Corentin requires planning consent prior to being granted with a licence from the Department of Fisheries to conduct this operation.

The Shire of Kojonup Town Planning Scheme No. 3 zones the property, location 5127 Pollard Road, as Rural.

Aquaculture activities such as breeding marron is defined by the Shire of Kojonup Town Planning Scheme No. 3 as:

*"any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required."*

Aquaculture is considered an 'Intensive Agriculture' activity under the Shire of Kojonup Town Planning Scheme No. 3 and includes the use of land for the purpose of trade, commercial reward or gain, including such buildings and earthworks, normally associated with the activity.

The Shire of Kojonup Town Planning Scheme No. 3 Zoning Table denotes Intensive Agriculture as 'AA' in a rurally zoned land such as location 5127 Pollard Road.

'AA' means that the Council may, at its discretion, permit the use.

## **COMMENT**

The Department of Fisheries controls all aquaculture licences and sets the licence conditions. Therefore the Department of Fisheries is responsible for ensuring that the activity is being conducted in accordance with the guidelines and legislation. The guidelines include the length and condition of the marron being sold, the equipment being used to farm, the water sources being used and any waste activities. Mr Corentin has indicated that the water source being used is storage dams located on the property.

The property, location 5127 Pollard Road is approximately 143ha in size and it is proposed that the operation will comprise of a 5625m<sup>2</sup> dam where the marron will be farmed. The activity will have little impact on the surrounding properties

## **CONSULTATION**

The Department of Fisheries and the Applicant has been consulted on this matter.

## **STATUTORY ENVIRONMENT**

The Shire of Kojonup Town Planning Scheme No. 3 allows Aquaculture activities to be undertaken in rurally zoned land at the discretion of the Council.

## **POLICY IMPLICATIONS**

There are no known policy implications.

## **FINANCIAL IMPLICATIONS**

There are no known financial implications.

## **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

## **VOTING REQUIREMENTS – Simple Majority**

## **OFFICER RECOMMENDATION**

That Council grant planning consent to Cyril Coentim on behalf of Westchase Pty Ltd to conduct an Intensive Agriculture (aquaculture) activity at location 5127 Pollard Road in Kojonup.

## **COUNCIL DECISION**

**98/06 MOVED** Cr Carrington-Jones that Council grant planning consent to Cyril Coentim on behalf of Westchase Pty Ltd to conduct an Intensive Agriculture (aquaculture) activity at location 5127 Pollard Road in Kojonup on condition that no restrictive covenant is placed on surrounding properties.

## **CARRIED 10/0**

*REASON FOR CHANGE: Council felt that the condition be added so that the aquaculture business does not limit the normal farming activities of surrounding properties*

## **12.2 APPLICATION TO REZONE – INDUSTRIAL TO RESIDENTIAL**

**AUTHOR:** Melissa Wilson

**DATE:** 11<sup>th</sup> July 2006

**FILE NO:** 14.04.01

**PROPERTY:** Lots 13, 14 and 15 Pensioner Road, Kojonup

**ATTACHMENT:** Location & Zoning Map

Policy Map No 1

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

To consider the application made by Mr Sean Murray to rezone lots 13, 14 and 15 Pensioner Road from industrial use to residential use.

## **BACKGROUND**

The owner of lots 13, 14 and 15 Pensioner Road, Mr Murray, wrote to the Shire of Kojonup on the 30<sup>th</sup> of June

2006 requesting that the properties be rezoned so that they can be sold as residential lots.

The lots are currently zoned industrial by the Shire of Kojonup Town Planning Scheme Number 3. The three (3) properties are bordered by two (2) residential lots to the north along Pensioner Road and an industrial lot (lot 32 Blackwood Road) to the west along Blackwood Road. Mr Murray also owns Lot 32 Blackwood Road which he intends to retain (see attached map for their location and zoning).

The Shire of Kojonup Town Planning Policy number 2 discusses future developments within the Kojonup townsite and locality. The policy states:

*" Notwithstanding the existing Scheme zonings in the Townsite of Kojonup, the Council when considering future development proposals in the Kojonup Townsite area, shall have regard to, but not be bound by:*

6. **The attached Policy Map No. 1 prior to agreeing to initiate any rezoning proposal that may permit the development to proceed.**

Although this policy is considering development proposals its principals and objectives apply to the application being discussed. The policy refers to the policy map (attached), which should be used as a guideline for any future developments including rezoning land.

Town Planning Policy number 3 states that:

*" The Council shall not permit any further residential development within the Industrial Zoned land in the Scheme area, unless the Council considers that special circumstances exist."*

## COMMENT

The Policy Map referred to in Town Planning Policy number 2 indicates that this area was intended to remain as industrial. The industrial zone continues across the Blackwood Road to the south.

Rezoning these three (3) lots would mean that there would be five (5) residential lots surrounded by industrial land. Bearing in mind that the land zoned industrial can, if approved by Council, be occupied by operations from warehouses to a noxious or rural industry and therefore could impact on the residential land uses.

Considerations should be given to the current shortage of available residential land within Kojonup at present however the positioning of the proposed rezoned residential lots, surrounded by industrial land, must also be taken into account.

It is not desirable to have residential land abutting industrial land due to the impact of the industrial land use on the occupiers of the residential land. Effects may range from noise to chemical pollution which are governed by the Environmental Protection Act 1986 and would need to be remedied by Shire staff. There are currently two (2) lots that are zoned residential within the precinct however these are dwellings that already existed at the time of the adoption of the Town Planning Scheme Number 3 and would already be limiting the use of the industrial land abutting them.

It is felt that refusing an industrial development proposal based residential land being within the vicinity, which might be the case if the land is rezoned, may lead to the proposal being appealed and heard by the State Administrative Tribunal.

The ultimate decision to initiate a rezoning is the Council's decision however it recommended that the proposal be declined due to the possible negative impact the rezoning might have on the existing industrial uses, future industrial land use proposals and the occupiers of the residential land.

## CONSULTATION

Consultation has taken place with the property owner's father on behalf of the property owner however the request has come from the property owner himself.

## STATUTORY ENVIRONMENT

Section 75 of the Town Planning Development Act 2005 states that

*"A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —*

*(a) prepared by the local government, approved by the Minister and published in the Gazette; or*

*(b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette. "*

### **POLICY IMPLICATIONS**

There is no known policy implications.

### **FINANCIAL IMPLICATIONS**

There will be a cost of between \$3000 and \$4000 to make an amendment to a Town Planning Scheme. In this case it is recommended that if the Shire of Kojonup were to initiate the amendment the cost should be covered by the owner of the properties requiring the rezoning.

### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS – Simple Majority**

### **OFFICER RECOMMENDATION**

That Council decline to initiate an amendment to the Shire of Kojonup Town Planning Scheme Number 3.

### **COUNCIL DECISION**

**99/06 MOVED Cr Trethowan that Council decline to initiate an amendment to the Shire of Kojonup Town Planning Scheme Number 3.**

**CARRIED  
10/0**

*Corrections as passed at the Council Meeting 15<sup>th</sup> August 2006:*

*Item 12.3 Oversized Shed – Lot 123 Blackwood Rd Muradup, second paragraph under the heading 'Background' - change the year date 2006 to 2005 and delete the word 'since' and replace it with the word 'not'.*

**12.3 OVERSIZED SHED – LOT 123 BLACKWOOD ROAD, MURADUP**

**AUTHOR:** Melissa Wilson

**DATE:** 11<sup>th</sup> July 2006

**FILE NO:** 14.07.02

**PROPERTY:** Lot 123 Blackwood Rad, Muradup

**ATTACHMENT:** Site plan

## **DECLARATION OF INTEREST**

Nil

## **SUMMARY**

To consider the application made by Mr. And Mrs. Darren Yardley to construct a shed on Lot 123 Blackwood Road, Muradup.

## **BACKGROUND**

In June 2006 Mr and Mrs Yardley submitted an application to build a 144m<sup>2</sup> colour bond and zincalumn shed on their property located at Lot 123 Blackwood Road, Muradup.

On the 13<sup>th</sup> of June 2006 the Council resolved to grant planning approval to Mr and Mrs Yardley to construct a 150m<sup>2</sup> shed which has since been constructed.

The Shire of Kojonup Town Planning Scheme no. 3 zones the property in question as residential however the property is currently the subject of a rezoning application to which it proposed that the lot will be zoned as a 'Additional Use – Vehicle Restoration Business'.

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that

*"The shed floor area for Residential zoned land is to be no larger than 65 square meters."*

Section 7.6.4 of the Town Planning Scheme no. 3 states that the policies within the scheme

*"shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision."*

This means that the Council must consider what the policy is trying to achieve in regard to any application but are not bound by it. The Council can, in considering any application, place any conditions it see fit on the approval in order to achieve the desired outcome.

The large shed is required to ensure that vehicles onsite, including the Yardleys' private vehicles, are kept in a secure location and to ensure that there is adequate space to work on the vehicles internally.

## **COMMENT**

Mr and Mrs Yardley propose to build a shed, which is 16m by 9m (144m<sup>2</sup>) with a height of 3.6m. This size shed is larger than the specified size in Town Planning Policy No. 9. The inclusion of this shed will mean that the sheds located on the property will have an accumulated floor space of 294m<sup>2</sup>.

The shed is proposed to be constructed of non reflective material and its closest boundary will be Piesse Street 1.8m away (see attached plan). It is felt that this is too close to the road and should be at least 3 meters from the Piesse Street boundary (as required by the Residential Design Codes of Western Australia).

## **CONSULTATION**

Mr and Mrs Yardley have been consulted on the requirements of the Town Planning Policy 9.

## **STATUTORY ENVIRONMENT**

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that

*"The shed floor area for Residential zoned land is to be no larger than 65 square metres."*

Section 7.6.4 of the Town Planning Scheme no. 3 states that the policies within the scheme

*"shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision."*

## **POLICY IMPLICATIONS**

The Shire of Kojonup Town Planning Scheme Policy No. 9 that the shed be no larger than 65m<sup>2</sup>. Although the proposed shed is larger than recommended by the policy it is supported on this occasion, as it is needed to accommodate Mr and Mrs Yardley's business without limiting their private activities.

## **FINANCIAL IMPLICATIONS**

There are no known financial implications.

## **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

## **VOTING REQUIREMENTS – Simple Majority**

## **OFFICER RECOMMENDATION**

That the planning application made by Mr and Mrs Yardley to build a shed on lot 123 Blackwood Road, Muradup be approved subject to the following conditions:

- a. The shed shall not be used as a habitable residence at any time,
- b. The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,
- c. The floor area of the shed be no larger than 144m<sup>2</sup>,
- d. The location of the shed be at least 3 meters from the Piesse Street boundary and
- e. In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.

## **COUNCIL DECISION**

**100/06 MOVED Cr Benn that the planning application made by Mr and Mrs Yardley to build a shed on lot 123 Blackwood Road, Muradup be approved subject to the following conditions:**

- a. **The shed shall not be used as a habitable residence at any time,**
- b. **The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,**
- c. **The floor area of the shed be no larger than 144m<sup>2</sup>,**
- d. **The location of the shed be at least 3 meters from the boundary on Piesse Street and 15 meters from the boundary on Blackwood Road**
- e. **In the event of the non-compliance of the above conditions, the shed be ordered to be demolished**

- under the provisions of the Planning and Development Act 2005.  
f. Alert Mr and Mrs Yardley of their obligations under the Environmental Protection Act

CARRIED 10/0

*REASON FOR CHANGE: Council required that the setback from the boundary of Blackwood Road be increased to 15 meters to alleviate the impact on Blackwood Road.*

## 1. CORPORATE & COMMUNITY SERVICES REPORTS

### 1. APPOINTMENT OF SENIOR EMPLOYEES

DATE: 13<sup>th</sup> July 2006

AUTHOR: Stephen Gash- Chief Executive Officer

FILE NO: 01.01.01

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To consider classifying the Manager of Community Development and Manager of Health and Building as senior employees, and to consider the Chief Executive Officer's recommendations for the positions.

#### BACKGROUND

Council has previously been briefed on the Chief Executive Officer's plan for the management structure of the executive team to better define roles and support the operations of the Council. It was advised this restructure would be an incremental approach that would address positions and roles at strategic times such as contract renewals so that there would be no redundancies required.

The Council has previously endorsed the Manager of Corporate Services as part of the new management structure.

#### COMMENT

It is proposed to rename the Environmental Development Manager (EDM) position to the Manager of Health and Building. This title better reflects the role and minor adjustments have been made to the position description.

The Manager of Community Development better reflects the current Community Services Officer (CSO) role, as the position coordinates programs and liaises with groups to assist community development. The implied role of the current title is often interpreted that the position exists to perform the physical grant writing etc as part of its "services" for all community groups.

The CSO role was elevated to the management executive (MANEX) one year ago and despite the proposed title change and formal request to be considered a senior position, there are only minor changes to the position description, as the position is already responsible for the management of the community services directorate.

The title changes for both positions were flagged during discussions with Council on the organisational structure and feedback on the performance reviews in October 2005. At this stage both the incumbent EDM and CSO expressed a desire to enter negotiation for contract renewal for a further 3 years. The Chief Executive Officer now seeks endorsement



for the appointment of the incumbent staff to the renamed positions for a further 3 years.

The packages will essentially be unchanged from the review in October 2005, with CPI adjustment, and are accommodated in Council's draft 2006/2007 budget. The proposed contracts will be based on the model contract supplied by *Workplace Solutions*.

## CONSULTATION

The incumbent staff have been consulted through the restructure considerations and initial negotiations of the contract renewal/ extension terms. Given the endorsement of the Chief Executive Officer regarding the performance of the incumbents through their previous 3year contracts and the minor changes to the current role and function, the positions were not readvertised.

## STATUTORY ENVIRONMENT

Under Section 5.37 of the *Local Government Act 1995*

"The Chief Executive Officer is to inform Council of any proposal to employ or dismiss a senior employee and the Council may accept or reject the Chief Executive Officer's recommendation but if the Council rejects a recommendation it is to inform the Chief Executive Officer of its reasons for doing so."

## POLICY IMPLICATIONS

There are no known policy implications.

## FINANCIAL IMPLICATIONS

The changes above are to existing positions and the salaries are included in the 2006/2007 budget.

## STRATEGIC IMPLICATIONS

The positions support the strategic management of the Shire and Council decision making.

**VOTING REQUIREMENT** - Simple Majority

## OFFICER RECOMMENDATION

1. That the Manager of Community Development and Manager of Health and Building positions be endorsed as a senior employees under section 5.37 of the Local Government Act 1995.
1. That the recommendation of the Chief Executive Officer to appoint Melissa Wilson to the position of Manager of Health and Building for a 3 year contract be endorsed.
2. That the recommendation of the Chief Executive Officer to appoint Cindy North to the position of Manager of Community Development for a 3 year contract be endorsed

## COUNCIL DECISION

**101/06 MOVED Cr Carrington-Jones that the meeting be closed to the public pursuant to Section 5.23 (2) (a) of the Local Government Act as the discussion contains information relating to staff.**

**CARRIED  
10/0**

4.20pm Ms Melissa Wilson and Mrs Rosemary Cussons left the Chamber

## COUNCIL DECISION

### 102/06 MOVED Cr Trethowan

1. That the Manager of Community Development and Manager of Health and Building positions be endorsed as a senior employees under section 5.37 of the Local Government Act 1995.
2. That the recommendation of the Chief Executive Officer to appoint Melissa Wilson to the position of Manager of Health and Building for a 3 year contract be endorsed.
3. That the recommendation of the Chief Executive Officer to appoint Cindy North to the position of Manager of Community Development for a 3 year contract be endorsed

CARRIED 10/0

## COUNCIL DECISION

103/06 MOVED Cr Trethowan that the meeting be re-opened to the public

CARRIED 10/0

4.22pm Ms Melissa Wilson and Mrs Rosemary Cussons returned to the Chamber

*The Shire President thanked Ms Melissa Wilson and Mrs Cindy North for their exemplary dedication and hard work and congratulated them on the worthiness of the renewal of their contract.*

### 1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 2. NEW BUSINESS of an urgent nature, introduced by a decision of the meeting\_

Nil

### 3. CONFIDENTIAL REPORTS

Nil

### 4. NEXT MEETING

Tuesday 15<sup>th</sup> August 2006 commencing at 3:00pm.

### 5. CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.25pm.

### 6. APPENDICES AND TABLED DOCUMENTS

### 7. ATTACHMENTS

10.1.1 Monthly Financial Activities Statement

## 10.1.2 Monthly Payment Listings

3. Interim Audit Management Letter
4. Significant Accounting Policies

## 10.1.6 Plan for the Future

### 10.1.7 Draft 2006/2007 budget

1. Planning Application - Aquaculture 5127 Pollard Road Location Map
2. Location and Zoning Map & Policy Map No 1 – Rezoning Application

## 12.3 Site Plan – Oversized Shed

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Presiding Member Date